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Claims 1-4, 8-9, 12, 15, and 18 have been canceled. Claims 5-7, 10-11, 13-14, and 16-17 remain pending in the present application.

Applicants acknowledge with appreciation the Examiner's allowance of claims 5, 10, 13, and 16, and respectfully submit that the provided reasons for allowability include only the Examiner's interpretation, which should in no way limit the scope of the allowed claims.

Claims 6-7, 11, 14, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,690,938 to Chin in view of U.S. Patent No. 6,899,050 to Willars et al. Applicants respectfully traverse the rejection.

The Examiner conducted a telephone interview on May 11, 2005 with Applicants' undersigned representative, Mr. Dexter Chang (Reg. No. 44,071). Applicants and Mr. Chang thank the Examiner for his time and consideration.

During the interview, the Examiner considered the § 103 rejection and the combining reference, Willars et al., relied upon by the Examiner as alleged disclosure of setting a second channel bandwidth to available channel bandwidth when it "is less than requested." Page 3, lines 3-5 of the Office Action. In particular, Mr. Chang pointed out, and the Examiner agreed, that Willars et al. only describe a second radio network controller ("RNC 2"), as shown in Fig. 3 of Willars et al., sending a "lower maximum allowed transmission rate" message to a first RNC ("RNC 1") when it detects congestion while it is already servicing user equipment ("UE") 30. As further illustrated in Fig. 5 of Willars et al., the RNC 2 sends this message when it detects congestion so that RNC 1 may lower its reserved bandwidth to RNC 2 for servicing UE 30 so that resources may be freed up for other purposes. Please see, e.g., col. 8, lines 56-65 of Willars et al.

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Thus, Mr. Chang suggested, and the Examiner agreed, that Willars et al., as cited and relied upon in the Office Action, would, at most, have suggested lowering a bandwidth in response to detected congestion after a handoff. Correspondingly, the cited portions of Willars et al. only describe the RNC 2 sending a "lower" or "raise" signal to RNC 1. And, thus, the combination of Chin and Willars et al. would have also failed to disclose or suggest the claimed "comparing" feature.

Therefore, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Chin and Willars et al., such a combination would still have failed to disclose or suggest,

"[a] channel setting method in a mobile communication system in which a first channel of fixed bandwidth, and a second channel of variable bandwidth established according to requirements, are set up between a mobile station and a first and a second base station performing radio communications with said mobile station, and between said first and second base stations and a base station controller which communicates with said base stations and controls said base stations, said channel setting method being a method for setting said second channel between said mobile station and said second base station at the start of handoff where said mobile station starts to communicate simultaneously with said second base station whilst also communicating with said first base station by means of said first and second channel, and comprising the steps of:

in said base station controller, sending a request for a bandwidth required for said second channel to said second base station;

in said second base station, upon receiving said request, returning a response of an allocatable bandwidth equal to or lower than said requested bandwidth, to said base station controller; and

in said base station controller, upon receiving said response from said second base station,

comparing said allocatable bandwidth with the bandwidth of the second channel established to said first base station; and

in a case where the former bandwidth is lower than the latter bandwidth, changing the bandwidth of the second channel established to said first base station to the former bandwidth, and

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also establishing said second channel between said mobile station and said second base station, and between said second base station and said base station controller, in accordance with said former bandwidth," as recited in claim 6. (Emphasis added)

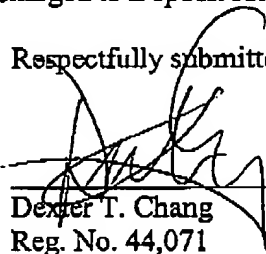
Accordingly, Applicants respectfully submit that claim 6, together with claim 7 dependent therefrom, is patentable over Chin and Willars et al., separately and in combination, for at least the foregoing reasons. Claims 11, 14, and 17 incorporate features that correspond to those of claim 6 cited above, and are, therefore patentable over the cited references for at least the same reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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